

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10190 of 2025

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Ramanjee Jha, Son of Late Chandrasekhar Jha, Resident of Village-
Kanakpur, Police Station, Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Superintendent of Police, Madhubani,
5. The Mineral Development Officer, Madhubani.
6. The District Mining Officer, Madhubani.
7. The Mining Inspector, Madhubani.
8. The Officer-in-Charge, Police Station Bhairavsthan, District- Madhubani.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Abu Nasar, Advocate
For the State	:	Ms. Anuradha Singh, SC-21
	:	Ms. Nutan Kumari Sharma, AC to SC-21
For Mines Dept.	:	Mr. Naresh Dikshit, Advocate
	:	Ms. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-07-2025 Heard learned counsel for the petitioner, learned

counsel for the Respondent-State and learned counsel for the

Mines Department.

2. With the consent of all the parties, this writ
application is being disposed of at the present stage itself.

3. In the present case, the petitioner has challenged
the order dated 01.04.2025 passed by the District Magistrate in
Mines Appeal Case No. 28 of 2025 which has been passed



under Rule 67(1) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

4. Learned counsel appearing for the Mines Department raises an objection to the maintainability of the present writ application by contending that the order impugned in the present writ application is further appealable before the Mines Commissioner under Rule 67(2) of the aforesaid Rules and without preferring the appeal, the petitioner has straightaway approached this Hon'ble High Court.

5. Rule 67(2) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 provides as follows:-

“All final orders passed by the Collector shall be appealable to the Mines Commissioner within sixty days from the date of the order.”

6. It is thus clear that the order impugned in the present writ application is appealable before the Mines Commissioner. This writ application is, therefore, disposed of granting liberty to the petitioner to file an appropriate appeal before the Mines Commissioner in terms of Rule 67(2) of the aforesaid Rules within two weeks from the date of passing of this order. If such an appeal is filed before the Mines Commissioner within this stipulated period, the same shall be



entertained by the Mines Commissioner and disposed of on merit after giving an opportunity of hearing to the petitioner, by passing a reasoned and speaking order.

7. The Mines Commissioner is expected to dispose of the appeal within a period of two months from the date of filing of this appeal. If the appeal so filed by the learned counsel for the petitioner, the petitioner will be at liberty to make a prayer for interim relief for release of the vehicle. If such a prayer is made, the same shall be considered and decided by the Mines Commissioner in accordance with law.

8. With the aforesaid liberty granted, the present writ application stands disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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